



ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of :
Chen-Hsien Liao et al. : **DECISION ON PETITION**
Application No. 10/780,702 :
Filed: February 19, 2004 :
Attorney Docket No. **025789-00005** :

This is a decision on the petition filed February 4, 2008 to withdraw the holding of abandonment which is being treated under 37 C.F.R. § 1.181 & MPEP § 1002.02(c)(3)(c).

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within TWO (2) MONTHS of the date of this decision in order to be considered timely. See 37 CFR § 1.181(f). Extensions of time under § 1.136(a) are not permitted.

Petitioner is not precluded from filing a petition to revive pursuant to 37 CFR 1.137.

In response to a Notice of Allowance mailed August 6, 2007, the issue fee transmittal was proffered on November 1, 2007 with an authorization to charge the issue fee in the amount of \$1400 and the publication fee in the amount of \$300 to deposit account no. 01-2300. Petitioner argues that the Notice of Abandonment sent via e-mail notification on January 31, 2008 was sent in error and includes a copy of the post card receipt, date stamped by the USPTO on November 1, 2007 as proof of timely payment of the issue fee.

A review of the file reveals that the issue fee transmittal was timely filed, however, at the time the issue fee transmittal was filed, the balance of petitioner's deposit account no. 01-2300 was only \$560.00. Thus, the Notice of Abandonment was correct. The issue fee was not timely paid and in view thereof, the showing of record is insufficient to warrant withdrawal of the holding of abandonment.

Additionally, in submitting a petition to revive, petitioner should be mindful of the

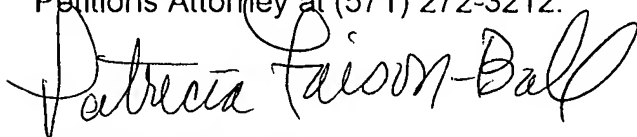
current FY 2008 fee schedule which went into effect on September 30, 2008.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions